

PROJECT NO. 20400

SECTION 271 COMPLIANCE	§	PUBLIC UTILITY COMMISSION
MONITORING OF SOUTHWESTERN	§	
BELL TELEPHONE COMPANY OF	§	OF TEXAS
TEXAS	§	

ORDER NO. 46 SUPPLEMENT TO ORDER NO. 45 APPROVING MODIFICATIONS TO PERFORMANCE REMEDY PLAN AND PERFORMANCE MEASUREMENTS

This Order, as issued by the Public Utility Commission of Texas (Commission), supplements Order No. 45 issued on October 17, 2002. Specifically, this Order addresses the disputed issue related to PM 124, *Timely Resolution of Significant Software Failures Related to Releases*. The revisions to the PM 124 shall be incorporated by Southwestern Bell Telephone Company (SWBT) into Attachment 17 to the T2A and filed as established in Order No.45 as Version 3.0 of the Business Rules.

With regard to the disputed issue related to the measurement type for PM 124, the Commission finds that PM 124 should be categorized as Tier 1-Low and Tier 2-High. The Commission notes that untimely release of software changes affect all CLEC's OSS related activities and thus the PM is both competition and customer affecting. The Commission further finds that the CLECs did not provide a compelling reason or analysis to show significant financial impact to their businesses to warrant designation above Tier 1-Low for this measure. The Commission finds that making this measure Tier-2 High will incent SWBT to comply with the agreed to benchmark of 95% completed within 48 hours or 2 days. The Commission also concurs with the parties' agreement that the remedy payment should be on a per measure basis.

Ordering Paragraphs

1. The Commission hereby adopts the parties' agreements as to PM 124 measurement title, business rules and exclusions and orders SWBT to modify Version 2.0 of the Performance Measurements accordingly.

2. The Commission finds that the measurement type for PM 124 should be Tier 1-Low and Tier 2-High and orders SWBT to modify Version 2.0 of the Performance Measurements accordingly.

SIGNED AT AUSTIN, TEXAS the _____ day of October, 2002.

PUBLIC UTILITY COMMISSION OF TEXAS

REBECCA KLEIN, CHAIRMAN

BRETT A. PERLMAN, COMMISSIONER